UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD, SUITE 102
KING OF PRUSSIA, PA 19406-1415

February 20, 2025

EA-2024-139

Kelly Trice President
Holtec Decommissioning International, LLC
Krishna P. Singh Technology Campus
1 Holtec Boulevard
Camden, NJ 08104

SUBJECT: HOLTEC DECOMMISSIONING INTERNATIONAL, LLC, PILGRIM NUCLEAR POWER STATION – NRC INSPECTION REPORT NO. 05000293/2024004 AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Kelly Trice:

On December 31, 2024, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection under Inspection Manual Chapter 2561, “Decommissioning Power Reactor Inspection Program,” at Pilgrim Nuclear Power Station (PNPS). The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission’s rules and regulations and the conditions of your license. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures and records, and plant walk-downs. The results of this inspection were discussed with John Moylan, Site Vice President, and other members of your staff on January 23, 2025, and are described in the enclosed report.

Based on the results of this inspection, one violation of NRC requirements of very low safety significance (Severity Level IV) is documented in this report. Because of the very low safety significance and because Holtec Decommissioning International, LLC (HDI) entered this issue into its corrective action program and the violation was not willful or repetitive, this violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the NRC Enforcement Policy.

If you contest the subject or severity of this NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, U.S. Nuclear Regulatory Commission – Region I; and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC determined an additional violation of NRC requirements occurred involving inappropriate decommissioning trust fund (DTF) expenditures. However, after considering the facts and circumstances of the issue, and in consultation with the Director of the NRC’s Office of Enforcement, the NRC is exercising enforcement discretion in accordance with Section 3.3 of the Enforcement Policy, “Violations Identified Because of Previous Enforcement Action.” Therefore, no violation will be issued regarding this matter and no response on DTF expenditures to this letter is required.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

No reply to this letter is required. Please contact Andrew Taverna of my staff at (610) 337-5119 if you have any questions regarding this matter.

Sincerely,

ELISE EVE Digitally signed by ELISE EVE
Date: 2025.02.20 09:51:46 -05'00'

Elise Eve, Team Leader
Decommissioning Team
Decommissioning, ISFSI, and Reactor
Health Physics Branch
Division of Radiological Safety and Security

Docket No. 05000293
License No. DPR-35
cc w/encl: Distribution via ListServ
Enclosure: Inspection Report
No. 05000293/2024004 w/Attachment

SUBJECT: HOLTEC DECOMMISSIONING INTERNATIONAL, LLC, PILGRIM NUCLEAR POWER STATION – NRC INSPECTION REPORT NO. 05000293/2024004 AND EXERCISE OF ENFORCEMENT DISCRETION DATED FEBRUARY 20, 2025

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U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Docket No.	05000293
License No.	DPR-35
Report No.	05000293/2024004
Licensee:	Holtec Decommissioning International, LLC (HDI)
Facility:	Pilgrim Nuclear Power Station (PNPS)
Location:	Plymouth, Massachusetts
Inspection Dates:	October 1, 2024 – December 31, 2024
Inspectors:	K. Barnes, Health Physicist Decommissioning, ISFSI and Reactor Health Physics Branch Division of Radiological Safety and Security A. Taverna, Health Physicist Decommissioning, ISFSI and Reactor Health Physics Branch Division of Radiological Safety and Security
Approved by:	Elise Eve, Team Leader Decommissioning Team Decommissioning, ISFSI and Reactor Health Physics Branch Division of Radiological Safety and Security

Enclosure

EXECUTIVE SUMMARY

Holtec Decommissioning International, LLC (HDI)
Pilgrim Nuclear Power Station (PNPS)
NRC Inspection Report No. 05000293/2024004

A routine announced decommissioning inspection was completed on December 31, 2024, at Pilgrim Nuclear Power Station. The inspection included a review of fire protection, decommissioning performance and status, occupational radiation exposure, and radioactive material transportation. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures and records, and plant walk-downs. The U.S. Nuclear Regulatory Commission's (NRC's) program for overseeing the safe decommissioning of a permanently shutdown nuclear power reactor is described in Inspection Manual Chapter (IMC) 2561, "Decommissioning Power Reactor Inspection Program."

List of Violations

The inspectors identified one Severity Level IV (SLIV) Non-Cited Violation (NCV) of 49 CFR 173.427(a)(6)(iii) for HDI's failure to adequately brace a shipment of Class 7 (radioactive) material so as to prevent shifting of lading under conditions normally incident to transportation. Specifically, a package containing waste handling equipment was not loaded on a trailer in a manner to prevent shifting of the package against the trailer during transportation, resulting in two breaches in the package material discovered upon unloading at the destination. HDI entered the issue into its corrective action program (CAP) as IR PIL-07975.

The NRC determined that a violation of NRC requirements occurred associated with decommissioning trust fund (DTF) expenditures, however following a review of the facts and circumstances the NRC determined it was appropriate to exercise discretion consistent with Section 3.3 of the Enforcement Policy, "Violations Identified Because of Previous Enforcement Action." (Section 2.5)

REPORT DETAILS

1.0 Background

On June 10, 2019, Entergy Nuclear Operations, Inc. (ENOI) certified cessation of power operations and the permanent removal of fuel from the PNPS reactor vessel (ADAMS Accession Number ML19161A033). This met the requirements of 10 CFR 50.82(a)(1)(i) and 50.82(a)(1)(ii). On June 11, 2019, the NRC notified PNPS that the NRC would no longer perform its oversight activities in accordance with the Operating Reactor Assessment Program per IMC 0305 and that oversight would be conducted under the provisions outlined in IMC 2561 "Decommissioning Power Reactor Inspection Program" (ADAMS Accession No. ML19162A033). On August 27, 2019, an amendment was issued transferring the license from ENOI to Holtec International, LLC. (HDI), (ADAMS Accession No. ML19235A050). On December 14, 2021, HDI notified the NRC of the permanent removal of all spent fuel assemblies from the spent fuel pool, with their placement in dry storage within the Independent Spent Fuel Storage Installation (ISFSI) II cask storage pad (ADAMS Accession No. ML21348A748).

HDI is currently in the active decommissioning phase with no fuel in the spent fuel pool, as described in IMC 2561.

2.0 Active Decommissioning Performance and Status Review

The inspectors performed on-site decommissioning inspection activities on October 7 – 10, 2024, supplemented by in-office reviews and periodic phone calls. The inspection consisted of observations by the inspectors, interviews with site personnel, a review of procedures and records, and plant walk-downs.

2.1 Inspection Procedure (IP) 64704, "Fire Protection Program at Permanently Shutdown Reactors"

a. Inspection Scope

The inspectors reviewed documents and interviewed plant personnel to assess the effectiveness of PNPS's decommissioning fire protection program and to determine if it was maintained and implemented to address the potential for fires that could result in the release or spread of radioactive materials. Documents reviewed included the fire protection plan, implementing procedures, routine surveillances, and corrective action documents. The inspectors reviewed recent changes to the fire protection program to determine whether the changes reduced the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard, considering the decommissioning plant conditions and activities.

The inspectors conducted walk-downs of fire zones including the refuel floor, radwaste corridor, cable spreading room, and radwaste truck lock to determine if requirements in the Defueled Safety Analysis Report (DSAR), fire hazard analysis, and pre-fire plans were met, and if controls were in place for the use and storage of combustible materials. The inspectors conducted walk-downs of remaining fire hydrants and selected standpipe locations to determine if access to water for fire suppression for off-site responders was maintained and available in designated locations. The inspectors reviewed the site procedure for control of hot work and ignition sources and selected hot work permits to determine if hot work is controlled by licensee procedures.

The inspectors reviewed the Memorandum of Understanding with the local fire department and training and qualification documentation for site incipient fire brigade members to determine if the staffing and training was consistent with site fire protection program requirements.

b. Observations and Findings

The inspectors determined that HDI maintained the fire protection program in accordance with NRC requirements and site procedures. The inspectors verified that staffing and training of the on-site personnel were adequate and that agreements were appropriately established with the local fire department to be the primary responder for on-site fires. The inspectors verified that the fire protection program had been reviewed in the past year and that any observations had been entered into the CAP.

The inspectors determined that changes made to the fire protection program since the last inspection were appropriate and did not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard. Specifically, the inspectors reviewed engineering changes to consolidate fire zones and fire areas, to abandon and remove remaining dry chemical and CO_2 extinguisher carts, and to remove the High Pressure Coolant Injection System (HPCI) area blowout wall.

The inspectors verified that the fire zones observed were as described in the site's fire program and pre-fire plans, that combustible materials were controlled, and that credited fire detection and suppression equipment was available. The inspectors observed that fire hydrants and hose connections were accessible and clearly marked. The inspectors verified that hot work permits were completed as required and that surveillances reviewed for fire extinguishers, public water hydrants, and tattletale detection systems were completed and demonstrated that the equipment was operable.

c. Conclusion

No violations of more than minor significance were identified.

2.2 IP 71801, "Decommissioning Performance and Status Reviews at Permanently Shutdown Reactors"

a. Inspection Scope

The inspectors reviewed documentation and met with PNPS staff to discuss staffing, status of decommissioning and upcoming activities, and training and qualification to verify whether the licensee had conducted activities in accordance with regulatory and license requirements. The inspectors discussed recordkeeping procedures for information important to decommissioning as required by 10 CFR 50.75(g) with cognizant licensee personnel and viewed a selection of records relating to historical leaks and spills to determine whether records were appropriately identified and stored.

b. Observations and Findings

The inspectors noted that segmentation of reactor vessel internals was completed in September 2024. The inspectors verified that completion of this decommissioning milestone was not significantly different from the most recent schedule update as described in the 2023 HDI Report of Status of Decommissioning Funding for Reactors and Independent Spent Fuel Installations. Work performed during the inspection period included equipment removal and

chip cleanout from the reactor cavity and dryer-separator pit in preparation for draindown to the torus. The inspectors determined that staffing was appropriate for the current stage of decommissioning and training programs were being appropriately implemented.

The inspectors verified that PNPS maintained historical leak and spill records as required by 10 CFR 50.75(g) and that the relevant information is accessible to the site characterization team for reference as they develop license termination plans.

c. Conclusion

No violations of more than minor significance were identified.

2.3 IP 83750, "Occupational Radiation Exposure at Permanently Shutdown Reactors"

a. Inspection Scope

The inspectors observed activities, reviewed documentation, and interviewed personnel associated with occupational radiation exposure to determine the adequacy of protection of worker health and safety. The inspectors discussed current Radiation Protection (RP) staffing levels and reviewed documentation of qualifications and training to determine whether there were changes in the organization that may affect occupational radiation and whether RP staff were qualified to perform their duties. The inspectors reviewed the site's routine radiological survey schedule and discussed radiological source term characterization to determine if the site had characterized the radiation types and energies appropriately and if radiological conditions were being evaluated.

The inspectors attended a pre-job brief and observed lifting of a radioactive waste package containing activated reactor vessel components and placement into a RT-100 transport cask to determine if the radiological hazards had been adequately assessed, if planning was commensurate with the risk of the work, and if appropriate radiological controls were implemented for worker safety.

b. Observations and Findings

The inspectors verified technician training and qualifications were up to date and that the site maintained a mechanism for tracking RP staff qualification. The inspectors noted that RP staffing levels had decreased since the last inspection, but that adequate RP coverage was maintained for the activities observed. The inspectors verified that surveys were conducted on a routine basis to maintain awareness of radiological conditions.

The inspectors observed that for the waste container lift and loading, radiological hazards had been evaluated and communicated prior to the work and that appropriate radiological controls were implemented, including restricting access to the area while the container was unshielded and use of temporary shielding and locked high radiation (LHRA) door guards to reduce the potential for worker exposure. The inspectors observed appropriate communication between RP and other work groups to ensure that the work evolution was completed safely.

c. Conclusion

No violations of more than minor significance were identified.

2.4 IP 86750, "Solid Radioactive Waste Management and Transportation of Radioactive Materials"

a. Inspection Scope

The inspectors observed activities, interviewed personnel, and reviewed documentation to assess the licensee's program for transportation of radioactive material. The inspectors reviewed records of shipment packaging, surveying, labeling, marking, placarding, vehicle checks, and emergency instructions to determine compliance with NRC and Department of Transportation (DOT) regulations. The inspectors observed preparation of a Type B shipment of radioactive material, including loading, closure, and leak testing of the transport cask and radiological surveys prior to shipment. The inspectors reviewed 10 CFR Part 61 analyses for PNPS waste streams.

b. Observations and Findings

The inspectors determined that radioactive waste shipping paperwork was properly completed, and that radioactive waste shipped was properly described, classified, packaged, marked, and labeled, and was in proper condition for transport. The inspectors determined that the Type B shipping cask was loaded, closed, and leak tested according to the manufacturer's procedures. The inspectors verified that radiological surveys performed prior to shipment demonstrated that external radiation and contamination levels were within NRC and DOT limits.

The inspectors verified that scaling factors for various waste streams were based on radiological sampling and that analysis had been performed to characterize new waste streams such as charcoal filters from the augmented off-gas building.

Violation

The NRC identified one Severity Level IV Non-Cited Violation of 49 CFR 173.427(a)(6)(iii) for HDI's failure to adequately brace a shipment of Class 7 (radioactive) material so as to prevent shifting of lading under conditions normally incident to transportation. Specifically, a package containing waste handling equipment was not loaded on a trailer in a manner to prevent shifting of the package against the trailer during transportation, resulting in two breaches in the package material discovered upon unloading at the destination.

On September 30, 2024, PNPS shipped a package containing licensed material to HDI's Oyster Creek Nuclear Generating Station (OCNGS). The shipment consisted of a piece of radioactive waste handling equipment, known as a wet hood, weighing approximately 88,000 lbs. The material was classified as Low Specific Activity (LSA)-II in accordance with DOT requirements and was packaged in a custom-made flexible industrial packaging (IP-1) as permitted by 49 CFR 173.427(b)(4) for an exclusive use shipment. The packaging was constructed from woven polypropylene with a geotextile interior lining and was certified by the manufacturer to meet the general design criteria in 49 CFR 173.410.

The package was placed on a flatbed trailer for transport. The section of trailer on which the package was placed had raised weld beads and a seam in the trailer deck. Though not part of the package design, it was recommended by the manufacturer that a cushioning or friction barrier be used underneath the package. However, no such barrier was used, and the package was placed directly onto the trailer. Radiological surveys prior to transport showed that external radiation and contamination levels were well below NRC and DOT limits.

On October 1, 2024, the shipment was received at OCNGS. Radiological surveys taken at receipt, with the package on the trailer, showed radiation and contamination levels similar to the outgoing survey at PNPS and within limits. After taking possession of the shipment, while unloading the package from the trailer, OCNGS found abrasions and two tears in the package fabric at the location of the weld beads. Low levels of removable contamination up to 20,000 dpm per gross wipe were found on the trailer and package in the vicinity of the tears. The contamination levels did not exceed NRC and DOT requirements. OCNGS decontaminated the trailer and taped the breaches in the package. No further contamination was identified, and there was inappreciable safety impact to the public.

HDI entered this issue into its CAP as IR PIL-07975 and performed an Apparent Cause Evaluation (ACE). The ACE identified that the breaches in the package were believed to be caused by vibration and fretting against the weld beads during transportation, and that although a barrier mat had been requested for underneath the package it had not been installed. It is likely that the use of a mat would have mitigated the impact of the package fabric shifting against the trailer surface. Corrective actions proposed included revisions to radioactive waste shipping procedures to include additional pre-shipping checklists and inspection criteria and requirements for standalone work packages. The inspectors determined that the ACE adequately identified causal factors and prescribed appropriate corrective actions.

Title 10 CFR 71.5 requires NRC licensees who transport licensed material outside the site of usage to comply with the requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport. 49 CFR 173.427(a)(6)(iii) requires that for LSA material consigned as exclusive use, packaged and unpackaged Class 7 (radioactive) material must be braced so as to prevent shifting of lading under conditions normally incident to transportation.

Contrary to this requirement, on September 30, 2024, HDI failed to adequately brace a shipment of LSA material so as to prevent shifting of lading under conditions normally incident to transportation. Specifically, waste handling equipment shipped in a flexible IP-1 package was not loaded on a trailer in a manner to prevent shifting of the package against the trailer during transportation, resulting in two breaches in the package material.

This violation was determined to be a Severity Level IV violation using Section 6.8.d.1 of the NRC Enforcement Policy, dated August 23, 2024, regarding violations involving a breach of package integrity without external radiation or contamination levels exceeding the NRC limits.

Because HDI placed the deficiency into its CAP (PIL-07975), the violation was of low safety significance, and because the violation was not willful or repetitive, this violation is being treated as a NCV, consistent with Section 2.3.2.a of the NRC Enforcement Policy **(NCV 05000293/2024004-01, Failure to adequately brace a shipment of licensed material).**

c. Conclusion

One Severity Level IV NCV of 49 CFR 173.427(a)(6)(iii) was identified.

2.5 IP 92702, "Follow-up on Traditional Enforcement Actions Including Violations, Deviations, Confirmatory Action Letters, and Orders"

a. Inspection Scope

The inspectors reviewed corrective actions identified in HDI's response to a Notice of Violation (NOV), dated March 29, 2024, regarding inappropriate use of the DTF. The corrective actions reviewed included training on appropriate use of decommissioning trust funds, new procedural guidance for processing invoices for reimbursements from the trust fund, and an extent of condition review.

The inspectors reviewed HDI's response (ML24345A239) and long-term corrective actions to the NOV (EA-2024-023) documented in NRC inspection report numbers 05000293/2023003 and 05000293/2023004 (ML24043A057) to determine if the corrective actions and extent of condition were adequate. Review of shorter-term corrective actions was documented in NRC inspection report 05000293/2024002 (ML24227B003).

b. Observations

The inspectors reviewed the procedural guidance HDI created for reviewing, separating, and approving invoices for reimbursements from the trust funds. The inspectors verified that a procedure had been written (DSP-RA-005, Nuclear Decommissioning Trust Fund Reimbursement) and determined that, if followed, it would be adequate to ensure compliance with NRC regulations. The inspectors reviewed the initial training on appropriate decommissioning trust fund use for the Project Controls Group. The inspectors determined the training was adequate for its purpose and verified that the training was set up to be recurring. The inspectors reviewed the extent of condition review submitted by HDI to determine if the review was sufficient to identify any previous unauthorized reimbursements to ensure that future expenditures from the DTF meet the requirements of 10 CFR 50.82. The inspectors noted that the extent of condition was performed by an independent evaluator with sufficient experience. The evaluator identified additional examples of unauthorized reimbursements from the Pilgrim DTFs, including costs reimbursed from incorrect DTFs and utility payments to properties that HDI no longer owns, leases, and/or have been using. The inspectors noted that these unauthorized reimbursements from the Pilgrim DTFs are violations of NRC requirements. Disposition of this issue is described in the violation section below.

According to HDI's response to the NOV, the independent extent of condition was intended to be a "review of all HDI sites DTF reimbursements to verify regulatory compliance." The inspectors noted that the initial extent of condition scope included review of records dating back to April 2022 with reviews further back for charitable contributions and for some of the other identified unauthorized expenditures. The inspectors provided an observation to HDI that the extent of condition review was of limited scope, in that the review did not evaluate of all expenditures in newly identified misuses (i.e., union dues, and costs reimbursed from incorrect DTFs) since being the license holder at Pilgrim.

HDI entered issue report PIL-08028 into their CAP to track corrective actions as described in the extent of condition report. The corrective actions include reimbursing (with interest) the unauthorized payments identified in the extent of condition to the appropriate DTFs, maintaining a list of off-site properties used to support decommissioning activities to ensure associated charges such as utilities are reimbursable, and establishing a periodic audit of the reimbursement process. The inspectors verified that the reimbursement paperwork was completed.

Violation

10 CFR 50.82(a)(8)(i) states, in part, decommissioning trust funds may be used by licensees if the withdrawals are for expenses for legitimate decommissioning activities consistent with the definition of decommissioning in § 50.2.

10 CFR 50.2 defines decommissioning as removing a facility or site safely from service and reducing residual radioactivity to a level that permits—
(1) Release of the property for unrestricted use and termination of the license; or
(2) Release of the property under restricted conditions and termination of the license.

Contrary to the above, from 2020 through 2024, HDI used the Pilgrim decommissioning trust funds for expenses that were not legitimate decommissioning activities. Specifically, HDI used funds for purposes that were not related to removing the facility or site safely from service and reducing residual activity to a level that permits release of the property for either unrestricted or restricted conditions and termination of the license. These included withdrawals for payments at utility properties that are no longer used by the site.

The inspectors determined this issue constitutes a Severity Level IV violation. However, after considering the facts and circumstances of the issue and in consultation with the NRC's Office of Enforcement the NRC is exercising enforcement discretion consistent with Section 3.3 of the NRC Enforcement Policy, "Violations Identified Because of Previous Enforcement Action,." therefore, no violation will be issued regarding this matter. Specifically, the NRC considered that these additional inappropriate DTF expenditures were identified as part of an extent of condition the licensee conducted as a required corrective action to the NOV (EA-2024-023) documented in NRC inspection report numbers 05000293/2023003 and 05000293/2023004 (ML24043A057). These inappropriate expenditures resulted from the same root cause of inadequate procedural guidance and are of similar safety significance. The inspectors also noted that HDI wrote a new procedure (DSP-RA-005, Nuclear Decommissioning Trust Fund Reimbursement) for evaluating DTF expenditures as a required corrective action to the previous violation to help address the root cause.

c. Conclusions

The inspectors noted that HDI completed its actions in response to EA-2024-023. The inspectors also noted that in lieu of issuing a violation for the additional inappropriate DTF expenditures identified during the extent of condition review, the NRC is exercising enforcement discretion, which is documented as enforcement action number EA-2024-139.

3.0 Exit Meeting Summary

On January 23, 2025, the inspectors presented the inspection results to John Moylan, Site Vice President, and other members of the HDI organization. No proprietary information was documented in this report.

SUPPLEMENTARY INFORMATION

ITEMS OPEN, CLOSED, AND DISCUSSED

Closed	Section	Summary
05000293/2024003-1	2.5	Review of Decommissioning Trust Fund Corrective Actions

PARTIAL LIST OF DOCUMENTS REVIEWED

Procedures
P-EN-RW-102, Rev. 23, Radioactive Shipping Procedure
DSP-RA-005, Nuclear Decommissioning Trust Fund Reimbursement

Issue Reports Reviewed
PIL-08028
PIL-07975
OYS-04102

Miscellaneous
Apparent Cause Evaluation for Wet Hood Shipping Package Breach (IR PIL-07975)
Survey Logs 2024-0639, 2024-0850, 2024-0865, 2024-SH88, 2024-0663
OCNGS Radiological Survey Nos. YLA-24-1050, YLA-24-1046, YLA-24-1043
Certificate of Conformance and drawing for package PT-160.82.112G-Zip-TS-4CS, Wet Hood Pan & Top
Shipping Papers and Package Characterization, Shipment 24-328
DTF EOC Summary Report
Nuclear Decommissioning Trust Training PowerPoint
Pilgrim NDT Credit for Reimbursed Donations